

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

In re: Robert R. McNamara,
Debtor

Chapter 7
Case No. 17-11329 – MSH

The Bank of Canton
Plaintiff,
v.

Adversary Proceeding No. 18-01022

Robert R. McNamara,
Defendant.

SUPPLEMENT TO JOINT PRETRIAL MEMORANDUM

The Bank of Canton (the “Plaintiff” and or “Bank”) and Defendant/Debtor, Robert R. McNamara (the “Debtor”) hereby jointly amend and supplement Section F to their Joint Pretrial Memorandum to include updated trial exhibits as follows:

TRIAL EXHIBITS
(AGREED TO)

No.	Description
1	Note-1 – Promissory Note dated November 9, 2007 made by Debtor and Alice McNamara to the Bank in the principal amount of \$746,250.00
2	Mortgage - November 9, 2007, 31 Central St., Norwell, MA from Debtor and Alice McNamara to the Bank in the principal amount of \$746,250.00
3	Note-2 – Promissory Note dated February 1, 2008 made by Debtor and Alice McNamara to the Bank in the principal amount of \$50,000.00
4.	Foreclosure Documents - 31 Central St, Norwell, MA recorded Book 45708, Page 180 - 242
5.	Verified Complaint – Norfolk Superior Court Action No. 1582CV01506
6.	Injunction as to Debtor and Sparrell - Norfolk Superior Court Action No. 1582CV01506
7.	Findings and Order on Application for Assessment of Damages and Default Judgment – Norfolk Superior Court Action No. 1582CV01506

8.	Notice of Satisfaction of Judgment - Norfolk Superior Court Action No. 1582CV01506
9.	Amended Complaint - Norfolk Superior Court Action No. 1682CV01049
10.	Settlement Agreement – August 31, 2011 by and between Debtor, John McNamara, Sparrell, McNamara Associates and McNamara Liquidating Company, Inc. (with attachments)
11.	Lease – September 1, 2011 by and between McNamara Associates and Sparrell for Cohasset and Norwell Properties
12.	Deed – September 27, 2016 - Cohasset Property – McNamara Associates to Sparrell
13.	Deed – September 27, 2016 - Norwell Property – McNamara Associates to Sparrell
14.	SBA Note \$1.39Million September 23, 2016 – from Sparrell to Live Oak Banking Company
15.	Mortgage and Security Agreement – Live Oak Banking Company - September 23, 2016 (Cohasset Property)
16.	Mortgage and Security Agreement – Live Oak Banking Company - September 23, 2016 (Norwell Property)
17.	HUD-1 Settlement Statement – September 23, 2016
18.	Pre-Needs Accounting (<i>Exhibit 2Q depo 3-8-19 – McNamara Response No. 23</i>)
19.	Letter of Intent to Gift Business
20.	Deed – November 7, 2016 – from Sparrell to BM Mack Cohasset Property
21.	Deed – November 7, 2016 – from Sparrell to BM Mack Norwell Property
22.	Real Estate Purchase and Sale Agreement – November 7, 2016 between Sparrell and BM Mack
23.	Asset Purchase Agreement – November 7, 2016 between Sparrell and BM McNamara
24.	Sparrell Note
25.	Appraisal August 16, 2016 (Cohasset Property)
26.	Appraisal August 16, 2016 (Norwell Property)
27.	Licensure Documents – Massachusetts Board Embalming & Funeral Directing (<i>Exhibit AO to SJ filings</i>)
28.	Eastern Bank Line of Credit Documents (<i>Exhibit AP to SJ filings</i>)
29.	Eastern Bank – Statement November 1- 30, 2016 (<i>Exhibit AQ to SJ filings</i>)
30.	Debtor’s Ch. 7 Voluntary Petition and signature page (Case No. 17-11329 - Doc 1 and 3)
31.	Debtor’s Ch. 7 Schedules and Statement of Financial Affairs (Case No. 17-11329 - Doc 12)
32.	Sparrell Ck. No. 26650 to Debtor \$950 dated 12/22/2016 (<i>Exhibit Ar to SJ filings</i>)
33.	Sparrell – General Ledger – As of December 31, 2011
34.	Sparrell – General Ledger – Jan – Jun 2012
35.	Sparrell – General Ledger – Jan – Jun 2013
36.	Sparrell – General Ledger – Jul – Dec 2013

37.	Sparrell – General Ledger – Jan – Jun 2013
38.	Sparrell – General Ledger – Jul - Dec 2014
39.	Sparrell – General Ledger – Jan – Jun 2015
40.	Sparrell – General Ledger – Jul - Dec 2015
41.	Sparrell – General Ledger –2016
42.	Sparrell – General Ledger – January 1 – June 1, 2017 (Debtor Response No. 2)
43.	Eastern Bank – New Account Card (<i>Exhibit AS to SJ filings</i>)
44.	Eastern Bank – cancelled check packet (<i>Exhibit AT to SJ filings</i>)
45.	Eastern Bank – cancelled check packet (<i>Exhibit AU to SJ filings</i>)
46.	Unconditional Guaranty, Robert R. McNamara, Live Oak Bank, September 23, 2016
47.	Unconditional Guaranty, Brendan McNamara, Live Oak Bank, September 23, 2016
48.	Unconditional Guaranty, Melissa McNamara, Live Oak Bank, September 23, 2016
49.	Debtor’s 2011 Income Tax Return
50.	Debtor’s 2012 Income Tax Return
51.	Debtor’s 2013 Income Tax Return
52.	Debtor’s 2014 Income Tax Return
53.	Debtor’s 2015 Income Tax Return
54.	<i>Intentionally omitted</i>
55.	Sparrell’s 2012 Income Tax Return
56.	Sparrell’s 2013 Income Tax Return
57.	Sparrell’s 2014 Income Tax Return
58.	Sparrell’s 2015 Income Tax Return
59.	Borrower’s Information Form
60.	Action of the Sole Shareholder and Director of Sparrell Funeral Service, Inc. Taken by Unanimous Written Consent in Lieu of A Meeting
61.	Agreement of No Change
62.	Assignment of Architect’s Contracts
63.	Assignment of Construction Contracts
64.	Assurance of Compliance for Nondiscrimination
65.	Borrower’s Authorization to Release Information & Authorization to File Financing Statements
66.	Borrower’s Billing Address Certification
67.	Borrower’s Certification
68.	Certification Pursuant to Immigration and Nationality Act as Amended by the Immigration Reform and Control Act of 1986 (Pub. L. 99-603)
69.	Live Oak Bank Commitment Letter dated 7/14/2016
70.	Construction Loan Agreement
71.	Cooperation Agreement
72.	Fee Disclosure Form and Compensation Agreement
73.	Borrower Information Form
74.	Indemnity Agreement Regarding Hazardous Materials

75	Sparrell Funeral Services, Inc. Profit and Loss dated January-May, 2016
76	Personal Financial Statement 7(a) / 504 Loans and Surety Bonds
77	Management Resume
78	Request for Transcript of Tax Returns Form 4506-T
79	Business Debt Schedule – Sparrell Funeral Services, Inc. dated 5/31/2016
80	Authorization for Preauthorized Payments
81	Sparrell Funeral Services, Inc. Profit and Loss dated January-March, 2016
82	Sparrell Funeral Services, Inc. Balance Sheet as of March 31, 2016
83	Certification of Tax Return / Financial Statement
84	Statement of Purpose for Business Loan

Respectfully submitted by the Parties,

The Plaintiff,

The Defendant,

The Bank of Canton,

Robert R. McNamara,

By its Attorneys,

By his Attorney,

/s/ Michael A. Wirtz

/s/ Joseph G. Butler

Jack J. Mikels, BBO# 345560
Michael A. Wirtz, BBO# 636587
JACK MIKELS & ASSOCIATES, LLP
1 Batterymarch Park, Suite 309
Quincy, MA 02169-7454
Tel: 617-472-5600
Email: Lawoffice@jackmikels.com

Joseph G. Butler, BBO#544284
Law Office of Joseph G. Butler
355 Providence Highway
Westwood, MA 02090
Tel: 781-636-3638
Email: JGB@JGButlerlaw.com

Dated: February 17, 2020